

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT APPLICATION OF: )

Louis Jacobus Botha )

U.S. SERIAL NO.: 09/873,316 )

FILED June 6, 2001 )

FOR: SYSTEM AND METHOD FOR )  
DE-INTERLEAVING DATA IN A )  
WIRELESS RECEIVER )**Mail Stop 16****Commissioner for Patents****P.O. Box 1450****Alexandria, VA. 22313-1450****Attention: Refund Section, Accounting Division, Office of Finance****REQUEST FOR REFUND****(37 C.F.R. § 1.28(a))**

**NOTE:** 37 C.F.R. § 1.28(a): "(a) Refunds based on later establishment of small entity status. A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27(c) and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee."

**NOTE:** Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(A) AND 1.10\***

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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Alexandria, VA, 22313

**37 C.F.R. § 1.8(a)**☐ with sufficient postage as first class mail.**37 C.F.R. § 1.10 \***

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Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**☒ facsimile transmitted to the Patent and Trademark Office, 571-273-6500

*Michael T. Cruz*  
Michael T. Cruz, Reg. No. 44,636 Date: April 20, 2007

Date: April 20, 2007

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**I SUBMISSION OF SMALL ENTITY ASSERTION**

(complete (a) or (b))

- (a) ☐ Attached is an assertion of small entity status in this application.  
(b) ☐ An assertion of small entity status was filed in this application on \_\_\_\_\_.

**II REFUND REQUEST**

NOTE: 37 C.F.R. § 1.28(b)(1): "(b) Date of payment. (1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid . . ."

This request for refund is made within three months of the date the full fee was paid in this application. On January 25, 2007, a Petition for a One-Month Extension of Time and a Notice of Appeal, copies of which are attached, were filed responsive to the Advisory Action dated December 26, 2006. Form PTO/SB17 Fee Transmittal was also submitted authorizing the USPTO to charge Deposit Account 13-0017 for the \$120 one month extension fee and as well as the \$500 Notice of Appeal filing fee, a copy of which is also attached. On February 22, 2007, the USPTO refunded the \$120 extension fee to Deposit Account 13-0017 and then charged a two-month extension fee of \$450 to Deposit Account 13-0017. Copies of the Sales Receipt for Accounting Date dated February 22, 2007 are also attached. Since the Notice of Appeal and Petition for Extension were mailed on January 25, 2007 (i.e., within one month of the mailing date of the Advisory Action), only a one-month extension fee of \$120 is the required fee. (See copy of the postal card dated January 25, 2007 which is attached.) A refund is therefore requested in the amount of \$330.00.

NOTE: If the fee was charged to a deposit account, a request for refund must be filed within two months of the date of the charge to the deposit account.

**III. FEE PAID FOR WHICH REFUND REQUESTED**

**AMOUNT OF  
REFUND  
REQUESTED**

- |   |          |
|---|----------|
| <input type="checkbox"/> Filing Fee   | \$ _____ |
| <input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. § 1.16(e) or 37 C.F.R. §1.16(l)).               | \$ _____ |
| or  |          |
| <input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)).                                   | \$ _____ |
| <input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. 1.16(l)) | \$ _____ |
| or  |          |
| <input type="checkbox"/> Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l))    | \$ _____ |

<input type="checkbox"/>	Extension of term	\$ _____
<input type="checkbox"/>	Issue fee	\$ _____
<input type="checkbox"/>	Patent maintenance fee	
<input type="checkbox"/>	first maintenance fee	\$ _____
<input type="checkbox"/>	second maintenance fee	\$ _____
<input type="checkbox"/>	third maintenance fee	\$ _____
<input type="checkbox"/>	Patent maintenance fee surcharge.	\$ _____
NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.		
<input checked="" type="checkbox"/>	Other (Extension of Time Refund)	\$330.00
<b>TOTAL REFUND REQUESTED</b>		<b>\$330.00</b>

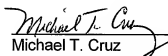
#### IV. MANNER OF REFUND

Please make refund by crediting:

- ☒ Deposit Account No. 13-0017.
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.
- WARNING:** Credit card information should **not** be included on this form as it may become public.
- ☐ refunding overpayment.

Respectfully submitted,

Date: April 20, 2007

  
\_\_\_\_\_  
Michael T. Cruz  
Reg. No. 44,636  
Customer No. 23446

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
Suite 3400  
Chicago, Illinois 60661  
(312) 775-8000

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## COMMISSIONER FOR PATENTS

Sir: Please place the USPTO receipt stamp hereon and place in outgoing mail to acknowledge receipt of:

Docket No.: 16102US01

Applicant: Louis Jacobus Botha

Serial No.: 09/873,316 Conf. No. 5717

Filed: June 5, 2001

☒ Transmittal w/ Certificate of Mailing (1 page)

☒ Fee Transmittal (1 page, in duplicate)

☐ Patent Application Including:

☐ Page(s) Cover Sheet

☐ Page(s) Specification

☐ Page(s) Claims

☐ Page(s) Abstract

☐ Page(s) Drawings ☐ Formal ☐ Informal

☐ Response to Notice of Missing Parts

☐ Declaration & POA ☐ Signed ☐ Unsigned

☐ Amendment Page(s)

☐ Assignment Page(s) Cover Sheet Page(s)

☐ IDS with PTO-1449 Page(s)

☐ Cited References

☒ Other:

☒ Petition for Extension of Time (1 page, in duplicate)

☒ Notice of Appeal (1 page, in duplicate)

☐

☐ Certificate of Mailing as dated below

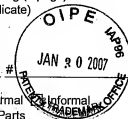
☐ Certificate of Express Mailing as dated below

Express Mail Label No. \_\_\_\_\_

Dated January 25, 2007

Respectfully: McANDREWS, HELD & MALLOY, LTD.

MTC/dl Attorneys for Applicant



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<p><i>Effective on 12/08/2004</i> Fees pursuant to the consolidated Appropriates Act, 2005 (H.R. 4819)</p> <h2 style="text-align: center;">FEE TRANSMITTAL for FY 2007</h2>		<p><b>Complete If Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application Number</td> <td>09/873,318</td> </tr> <tr> <td>Filing Date</td> <td>June 5, 2001</td> </tr> <tr> <td>First Named inventor</td> <td>Louis Jacobus Botha</td> </tr> <tr> <td>Examiner Name</td> <td>Ho, Chuong T.</td> </tr> <tr> <td>Art Unit</td> <td>2818</td> </tr> <tr> <td>Attorney Docket No.</td> <td>18102US01</td> </tr> </table>		Application Number	09/873,318	Filing Date	June 5, 2001	First Named inventor	Louis Jacobus Botha	Examiner Name	Ho, Chuong T.	Art Unit	2818	Attorney Docket No.	18102US01																																										
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<p><b>METHOD OF PAYMENT</b> (check all that apply)</p> <p> <input type="checkbox"/> Check          <input type="checkbox"/> Credit Card          <input type="checkbox"/> Money Order          <input type="checkbox"/> None          <input type="checkbox"/> Other (please identify): _____       </p> <p> <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>13-0017</u> Deposit Account Name: <u>McAndrews Held &amp; Malloy</u>          For the above-identified deposit account, the Director is hereby authorized to (check all that apply)       </p> <p> <input checked="" type="checkbox"/> Charge Fee(s) indicated below          <input type="checkbox"/> Charge Fee(s) indicated below, except for the filing fee  <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fees(s)          <input checked="" type="checkbox"/> Credit any overpayments (under 37 CFR 1.16 and 1.17)       </p> <p><b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>																																																									
<p><b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b></p>																																																									
<p><b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Application Type</th> <th colspan="2">FILING FEES</th> <th colspan="2">SEARCH FEES</th> <th colspan="2">EXAMINATION FEES</th> <th rowspan="2">Fees Paid(\$)</th> </tr> <tr> <th>Fee (\$)</th> <th>Small Entity Fee(\$)</th> <th>Fee(\$)</th> <th>Small Entity Fee(\$)</th> <th>Fee(\$)</th> <th>Small Entity Fee(\$)</th> </tr> </thead> <tbody> <tr> <td>Utility</td> <td>300</td> <td>150</td> <td>500</td> <td>250</td> <td>200</td> <td>100</td> <td></td> </tr> <tr> <td>Design</td> <td>200</td> <td>100</td> <td>100</td> <td>50</td> <td>130</td> <td>65</td> <td></td> </tr> <tr> <td>Plant</td> <td>200</td> <td>100</td> <td>300</td> <td>150</td> <td>160</td> <td>80</td> <td></td> </tr> <tr> <td>Reissue</td> <td>300</td> <td>150</td> <td>500</td> <td>250</td> <td>600</td> <td>300</td> <td></td> </tr> <tr> <td>Provisional</td> <td>200</td> <td>100</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> <td></td> </tr> </tbody> </table>				Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Utility	300	150	500	250	200	100		Design	200	100	100	50	130	65		Plant	200	100	300	150	160	80		Reissue	300	150	500	250	600	300		Provisional	200	100	0	0	0	0	
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<p><b>2. EXCESS CLAIM FEES</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Fee Description</th> <th colspan="2">Small Entity</th> </tr> <tr> <th>Fee(\$)</th> <th>Fee(\$)</th> </tr> </thead> <tbody> <tr> <td>Each claim over 20 (including Reissues)</td> <td>50</td> <td>25</td> </tr> <tr> <td>Each independent claim over 3 (including Reissues)</td> <td>200</td> <td>100</td> </tr> <tr> <td>Multiple dependent claims</td> <td>360</td> <td>180</td> </tr> </tbody> </table> <p> <b>Total Claims</b> _____ <b>Extra Claims</b> _____ <b>Fee(\$)</b> _____ <b>Fee Paid (\$)</b> _____        -20 or HP _____ x _____ = _____        HP = highest number of total claims paid for, if greater than 20     </p> <p> <b>Indep. Claims</b> _____ <b>Extra Claims</b> _____ <b>Fee(\$)</b> _____ <b>Fee Paid (\$)</b> _____        -3 or HP _____ x _____ = _____        HP = highest number of independent claims paid for, if greater than 3     </p>				Fee Description	Small Entity		Fee(\$)	Fee(\$)	Each claim over 20 (including Reissues)	50	25	Each independent claim over 3 (including Reissues)	200	100	Multiple dependent claims	360	180																																								
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<p><b>3. APPLICATION SIZE FEE</b></p> <p>If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof</th> <th>Fee(\$)</th> <th>Fee Paid(\$)</th> </tr> </thead> <tbody> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>-100</td> <td>/50</td> <td>(round up to a whole number)</td> <td>x _____</td> <td>= _____</td> </tr> </tbody> </table>				Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid(\$)	_____	_____	_____	_____	_____	-100	/50	(round up to a whole number)	x _____	= _____																																							
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<p><b>4. OTHER FEE(S)</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Fee Paid(\$)</th> </tr> </thead> <tbody> <tr> <td>Non-English Specification, \$130 fee (no small entity discount)</td> <td>_____</td> </tr> <tr> <td>Other (e.g., late filing surcharge): Notice of Appeal (\$500); One Month Extension of Time (\$120)</td> <td>\$620.00</td> </tr> </tbody> </table>					Fee Paid(\$)	Non-English Specification, \$130 fee (no small entity discount)	_____	Other (e.g., late filing surcharge): Notice of Appeal (\$500); One Month Extension of Time (\$120)	\$620.00																																																
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<p><b>SUBMITTED BY</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Signature</td> <td>Registration No.</td> <td>44,636</td> <td>Telephone</td> <td>(312)776-8000</td> </tr> <tr> <td>Name (print/type)</td> <td>Michael T. Cruz</td> <td>(Attorney/Agent)</td> <td>Date</td> <td>January 25, 2007</td> </tr> </table>				Signature	Registration No.	44,636	Telephone	(312)776-8000	Name (print/type)	Michael T. Cruz	(Attorney/Agent)	Date	January 25, 2007																																												
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This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005</b> (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).))		Docket Number (Optional) 16102US01	
Application Number 09/873,316		Filed June 5, 2001	
For SYSTEM AND METHOD FOR DE-INTERLEAVING DATA IN A WIRELESS RECEIVER			
Art Unit 2616		Examiner Ho, Chuong T.	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
		<u>Fee</u>	<u>Small Entity Fee</u>
<input checked="" type="checkbox"/>	One month (37 CFR 1.17(a)(1))	\$120	\$60 \$120.00
<input type="checkbox"/>	Two months (37 CFR 1.17(a)(2))	\$450	\$225 \$
<input type="checkbox"/>	Three months (37 CFR 1.17(a)(3))	\$1020	\$510 \$
<input type="checkbox"/>	Four months (37 CFR 1.17(a)(4))	\$1590	\$795 \$
<input type="checkbox"/>	Five months (37 CFR 1.17(a)(5))	\$2160	\$1080 \$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>13-0017</u> . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71			
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>44,636</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34.			
Registration number if acting under 37 CFR 1.34. _____			
<u>Michael T. Cruz</u> Signature		January 25, 2007	
Michael T. Cruz		Date	
Typed or printed name		312-775-8000	
		Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> Total of 1 form is submitted.			

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 16102US01
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>January 25, 2007</u>.</p> <p>Signature <u>Michael T. Cruz</u> Typed or printed name <u>Michael T. Cruz</u></p> <p>In re Application of <u>Louis Jacobus Botha</u></p> <p>Application Number <u>09/873,316</u></p> <p>Filed <u>June 5, 2001</u></p> <p>For SYSTEM AND METHOD FOR DE-INTERLEAVING DATA IN A WIRELESS RECEIVER</p> <p>Art Unit <u>2616</u></p> <p>Examiner <u>Ho, Chuong T.</u></p>		
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <u>\$ 600.00</u></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$ _____</u></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>13-001Z</u>. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the <u>Michael T. Cruz</u> <u>Signature</u></p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>44,638</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p><u>Michael T. Cruz</u> Typed or printed name</p> <p><u>312-775-8000</u> Telephone number</p> <p><u>January 25, 2007</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>		

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This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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